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ANDREA Q. RYAN
SANOFI-AVENTIS U.S. LLC
1041 ROUTE 202-206
MAIL CODE: D303A
BRIDGEWATER NJ 08807

In re Patent No. 7,781,455 :
Issued: August 24, 2010 :
Application No. 10/518,114 : LETTER REGARDING
Filed: March 21, 2005 : PATENT TERM ADJUSTMENT
Attorney Docket No. SSL0102 US PCT :

This letter is in response to the REQUEST FOR RECONSIDERATION OF THE PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(d), filed October 15, 2010. Patentees argue that the patent term adjustment should be 1075 not 1173 as indicated in the Issue Notification.

The request for review of the patent term adjustment is **DISMISSED**.

Patentees are given **THIRTY (30) DAYS or ONE (1) MONTH, whichever is longer**, from the mail date of this decision to respond. No extensions of time will be granted under § 1.136.

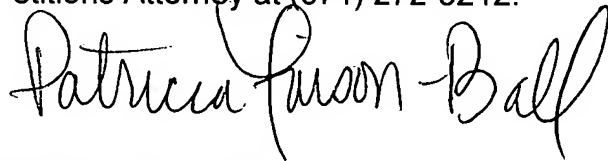
On August 24, 2010, the above-identified application matured into U.S. Patent No. 7,781,455 with a revised patent term adjustment of 1173 days. On October 15, 2010, Patentees submitted the instant application. Patentees disclose that the Determination of Patent Term Adjustment under 35 U.S.C. § 154(b) shown on the face of the above-captioned patent appears to be in error and believe the calculation of the patent term adjustment period is, in fact, less than that calculated by the Office.

In an international application, the over 3 year pendency period is based on the failure of the Office to issue a patent within three years after the national stage commenced under 35 U.S.C. 371(b) or (f). See 1.702(b). In this instance, the national stage commencement date is December 14, 2004 (not March 21, 2005, the date used by patentees for this calculation). The priority date of this application is June 14, 2002. As the requirements for early commencement were not met, the national stage commenced in this application at the end of the thirty-month period. Thus, the over 3 year period began on December 14, 2007 and ended on January 21, 2010, the day before the filing of the Request for Continued Examination (RCE).

In view thereof, the patent term adjustment indicated in the patent is properly reflected.

The Office acknowledges the submission of the \$200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

Telephone inquiries specific to this decision should be directed to the undersigned Petitions Attorney at (571) 272-3212.

A handwritten signature in black ink, reading "Patricia Faison-Ball". The signature is written in a cursive, flowing style with a large initial "P".

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions